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ID.5.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

W. Hayes Ingram, et al.

Serial No.: 09/989,692

Filed: November 13, 2001

For: Low Formaldehyde Emission Phenol-Formaldehyde
Resin and Method for Manufacture Thereof

Atty. Docket-No.: 5242.00023

Group Art Unit: TBA

Examiner: TBA

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to their duty of good faith and candor as set forth in 37 C.F.R. §§ 1.56(a), 1.97 and 1.98 *et seq.*, Applicants submit herewith the information set forth below for the Examiner's consideration. It is believed that no fee is due for this submission. However, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any fee required.

Several documents are cited on the attached Form PTO-1449. Applicants respectfully request that the Examiner indicate consideration of these documents by initialing the Form PTO-1449.

On dates more than one year before the filing of this application, Applicants provided small quantities of resin to another corporation for the purpose of experimentation. A total of four such quantities were provided *seriatim* to two different experimenters within the corporation following receipt of results of the experiments on the previously-provided quantity. The first three quantities were one (1) gallon each; the fourth was five (5) gallons.

Although no formal undertaking was executed, the first quantity of resin was provided with a mutual understanding, after confidential discussions regarding, *inter alia*, such resins, that the resin and technical information related thereto were to be maintained in secrecy. Executed confidentiality agreements were obtained when the second and third gallons were provided. The confidentiality agreement provides that the agreement governs all quantities supplied during the

effective period of the agreement. Another agreement was not obtained when the last quantity was provided to an experimenter who had previously executed the confidentiality agreement.

These quantities were provided without cost for the sole purpose of experimentation. Resins of this type are normally sold in lots of 4,000-5,000 gallons. The parties understood and agreed that both the resins themselves and technical information relating thereto were to be held in confidence. Characterizations of results of the experimenters' tests were provided to Applicants. No product was made from the resin, and, therefore, none was sold.

Applicants respectfully submit that the application is in condition for allowance, and earnestly solicits favorable action thereon.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: October 18, 2002

By: William J. Fisher
William J. Fisher
Registration No. 32,133

1001 G Street, N.W.
Washington, D.C. 20001-4597
(202) 508-9100

WJF/bao